

# HOUSE BILL No. 1177

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-4-1; IC 16-46-10-3; IC 20-5-62-8; IC 20-8.1; IC 20-10.1.

**Synopsis:** Medically accurate information. Requires the provision of medically accurate information at the various times that health, AIDS, HIV, or abstinence education is required by statute.

**Effective:** July 1, 2001.

## Porter

January 9, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1177

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-41-4-1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The state department  
3       must provide **medically accurate** information stressing the moral  
4       aspects of abstinence from sexual activity in any literature that the state  
5       department distributes to school children and young adults concerning  
6       available methods for the prevention of acquired immune deficiency  
7       syndrome (AIDS). Such literature must state that the best way to avoid  
8       AIDS is for young people to refrain from sexual activity until the young  
9       people are ready as adults to establish, in the context of marriage, a  
10      mutually faithful monogamous relationship.

11      SECTION 2. IC 16-46-10-3 IS AMENDED TO READ AS  
12      FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Funding provided  
13      a local board of health under section 2 of this chapter may be used by  
14      the local board to provide any of the following services:

- 15           (1) Animal and vector control.  
16           (2) Communicable disease control, including immunizations.  
17           (3) Food sanitation.



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- (4) Environmental health.
- (5) **Medically accurate** health education.
- (6) Laboratory services.
- (7) Maternal and child health services, including prenatal clinics and well-child clinics.
- (8) Nutrition services.
- (9) Public health nursing, including home nursing visitation and vision and hearing screening.
- (10) Vital records.

(b) Money granted a local board of health from the local health maintenance fund may not be used for any purpose other than for the services listed in this section.

SECTION 3. IC 20-5-62-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The contract must contain the following provisions:

- (1) A list of the statutes and rules that are suspended from operation in a freeway school corporation or freeway school, as listed in section 5 of this chapter.
- (2) A description of the privileges of a freeway school corporation or freeway school, as listed in section 6 of this chapter.
- (3) A description of the educational benefits listed in section 7 of this chapter that a freeway school corporation or freeway school agrees to:
  - (A) achieve by the end of five (5) complete school years after the contract is signed; and
  - (B) maintain at the end of:
    - (i) the sixth; and
    - (ii) any subsequent; complete school year after the contract is signed.
- (4) A plan and a schedule for the freeway school corporation or freeway school to achieve the educational benefits listed in section 7 of this chapter by the end of five (5) complete school years after the contract is signed. The schedule must show some percentage of improvement by the end of the second, third, and fourth complete school years after the contract is signed.
- (5) A school by school strategy, including curriculum, in which character education is demonstrated to be a priority. The strategy required under this subdivision must include the following subjects as integral parts of each school's character education:
  - (A) Hygiene.
  - (B) Alcohol and drugs.
  - (C) Diseases transmitted sexually or through drug use,



including AIDS.

(D) Honesty.

(E) Respect.

(F) Abstinence and restraint.

**The instruction under clauses (A), (B), (C), and (F) must be medically accurate.**

(6) A plan under which the freeway school corporation or freeway school will offer courses that will allow a student to become eligible to receive an honors diploma.

(7) A plan under which the freeway school corporation or freeway school will maintain a safe and disciplined learning environment for students and teachers.

(b) In the contract:

(1) the quantitative measures of benefits may be higher, but not lower, than the minimum educational benefits listed in section 7 of this chapter; and

(2) educational benefits may be included in addition to the minimum educational benefits listed in section 7 of this chapter.

SECTION 4. IC 20-8.1-7-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. (a) The state board of education shall provide **medically accurate** information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to school children and young adults concerning available methods for the prevention of acquired immune deficiency syndrome (AIDS). Such literature must state that the best way to avoid AIDS is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

(b) The state board of education may not distribute AIDS literature described in subsection (a) to school children without the consent of the governing body of the school corporation the school children attend.

SECTION 5. IC 20-8.1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. The council shall do the following:

(1) Identify and study **medically accurate** educational materials and resources on AIDS that are available for use in the schools within the school corporation.

(2) Determine which educational materials and resources are based on sound medical principles and reflect the attitude of the community.

(3) Recommend to the school corporation educational materials

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and resources on AIDS that reflect the standards of the community.

SECTION 6. IC 20-10.1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. Each school corporation shall include in its curriculum the following studies:

- (1) Language arts, including English, grammar, composition, speech, and second languages.
- (2) Mathematics.
- (3) Social studies and citizenship, including the constitutions, governmental systems, and histories of Indiana and the United States.
- (4) Sciences.
- (5) Fine arts, including music and art.
- (6) **Medically accurate** health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.
- (7) Additional studies selected by each governing body, subject to revision by the state board of education.

SECTION 7. IC 20-10.1-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) Each school corporation shall include in its curriculum **medically accurate** instruction concerning the disease known as acquired immune deficiency syndrome (AIDS) and shall integrate this effort to the extent possible with **medically accurate** instruction on other dangerous communicable diseases.

(b) A school corporation shall consider the recommendations of the AIDS advisory council (as established in IC 20-8.1-11) concerning community standards on the content of the instruction, the manner in which the information is presented, and the grades in which it is taught.

(c) Literature that is distributed to school children and young adults under this section must include information required by IC 20-8.1-7-21.

(d) The department, in consultation with the state department of health, shall develop **medically accurate** AIDS educational materials. The department shall make the materials developed under this section available to school corporations.

SECTION 8. IC 20-10.1-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. ~~Throughout~~ Instruction on human sexuality or sexually transmitted diseases **must be medically accurate**. An accredited school shall:

- (1) teach abstinence from sexual activity outside of marriage as the expected standard for all school age children;
- (2) include that abstinence from sexual activity is the only certain

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way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems; and  
 (3) include that the best way to avoid sexually transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage.

SECTION 9. IC 20-10.1-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The following classifications are established to encompass all subjects in all grades of the public schools for which credit is given:

- (1) Language arts-English, spelling, and literature.
- (2) Social studies.
- (3) Mathematics.
- (4) Science and **medically accurate** health education.
- (5) Miscellaneous.
- (6) Language arts-reading and handwriting.
- (7) Foreign languages.

(b) When the classification for a particular textbook subject is unclear, it shall be determined by the rules of the state board of education.

SECTION 10. IC 20-10.1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Prior to December 15, 1984, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of social studies at a meeting held for that purpose.

(b) Prior to December 15, 1985, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of mathematics at a meeting held for that purpose.

(c) Prior to December 15, 1986, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of science and **medically accurate** health education, at a meeting held for that purpose.

(d) Prior to December 15, 1987, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of miscellaneous at a meeting held for that purpose.

(e) Prior to December 15, 1988, and in every sixth year thereafter, the state board of education shall make a regular adoption of, and contract for, textbooks for each subject under the classification of

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1 language arts-reading and handwriting, at a meeting held for that  
2 purpose.

3 (f) Prior to December 15, 1989, and in every sixth year thereafter,  
4 the state board of education shall make a regular adoption of, and  
5 contract for, textbooks for each subject under the classifications of  
6 language arts-English, spelling, and literature, and foreign languages  
7 at a meeting held for that purpose.

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